

Council Member Nakanishi made a motion, second by Mayor Johnson, to adopt Resolution No. 2011-127 authorizing the City Manager to submit a joint application with Eden Housing Inc. to the State of California Department of Housing and Community Development for HOME Investment Partnerships Program Funding; and if selected, the execution of a standard agreement, any amendments thereto, and any related documents necessary to participate in the HOME Investment Partnerships Program.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Katzakian, Council Member Nakanishi, and Mayor Johnson

Noes: None

Absent: Mayor Pro Tempore Mounce

C-12 Set Public Hearing for August 17, 2011, to Introduce Ordinance Amending Chapter 13.20 - Electrical Service - Section 175 Titled, "Schedule ECA - Energy Cost Adjustment" (EUD)

Set public hearing for August 17, 2011, to introduce ordinance amending Chapter 13.20 - Electrical Service - Section 175 Titled, "Schedule ECA - Energy Cost Adjustment."

C-13 Set Public Hearing for August 17, 2011, to Introduce Ordinance Amending Chapter 13.20 - Electrical Service - Section 200 Titled, "Schedule ED - Residential Share Program Service" (EUD)

Set public hearing for August 17, 2011, to introduce ordinance amending Chapter 13.20 - Electrical Service - Section 200 Titled, "Schedule ED - Residential Share Program Service."

D. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.



Otis Gladney spoke in support of the implementation of a funeral ordinance in the City to assist with funeral processions. Mr. Gladney submitted a proposed ordinance for consideration, which was made a part of the record.

Robin Rushing spoke in regard to his concerns about the inconsistent number of days billed in an electric utility cycle and the related cost to the customer.

E. Comments by the City Council Members on Non-Agenda Items

Council Member Nakanishi reported on the University of Pacific forecast report regarding unemployment, job growth, and housing statistics.

Council Member Hansen reported on the Northern California Power Agency and San Joaquin Council of Governments Commission meetings and specifically discussed approval of a study for the combustion turbine site, Measure K Renewal Strategic Plan for 2011, approved transportation projects for the next ten years including Highway 12, and funding and construction of various

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SCRIPT

1. Address City Council

Give honor to the Mayor, Vice Mayor and the rest of the Council Members.

2. Introduce yourself.

I am **Otis Gladney**, representative

of

AAA MOTORCYCLE ESCORT SERVICES OF CA.

3. Subject

FUNERAL ESCORT ORDINANCE (PACKET)

Warning other Motorist of a funeral service and procession in service (i.e traffic safety).

4. why

The City of Lodi has grown in the last 10 years. Lodi has at least 4 Funeral Homes and 2 large and famous Cemeteries, which local city and outside citizen relocate their deceased Love Ones in. Lodi

Citizens should be warned of funeral services procession and this proposed ordinance would do just that. Their are and have request and wishes for funeral escort services in the City of Lodi. We are based in Lodi and would like to continue warning other monist **of** funeral services.

5. What are you prepared to do?

Hire police officers, attend motorcycle safety course, motor school set up by Chief, escort under **100** vehicles, provide council with petitions for the requested services, etc.

**PROPOSED
FUNERAL ESCORT ORDINANCE PACKET**

APPLICATION PACKET INCLUDES:

1. Funeral Escort Application
2. Indemnity and Hold Harmless Statement
3. General Information Sheet
4. Police Dept criteria for Funeral Escort Officer information sheet.
5. State Code Sections
6. Ordinance.

A Funeral Escort permit is required for anyone leading or escorting a vehicular funeral procession. The funeral escort is allowed to stop and direct traffic at intersections to enable all vehicles in the funeral procession to proceed together as an unbroken chain.

The funeral escort must provide proof of passing a traffic safety course, 6 months after permit being issued.

Term of Permit: One year-must be renewed each year

Application Fee: \$20.00 non-refundable
 application
 and Fingerprinting required if
 applicant answers yes to any
 conviction within last five
 years

Renewal Fee: \$12.00

Approval or Denial by: Police Department

Permit is issued by Revenue Services.

PROPOSED
City of Lodi

DEPARTMENT OF POLICE
Chief of Police Mark Helms
(Sample Letter and Notice)

TO: FUNERAL ESCORT OFFICER NOTICE

An escort officer, while conducting funeral escort service, shall be dressed in the full uniform of his/her respective employer. This uniform shall exhibit on each shoulder of the outermost jacket or shirt a company shoulder patch approved by the Chief of police.

Also, while conducting this duty, an officer shall maintain a high visibility posture and always act in a safe and prudent manner, obeying all traffic laws of the California Vehicle Code and the Lodi City Codes, etc.

In addition, all traffic control actions shall be in accordance with those taught in a Traffic Direction Course approved by the Chief of Police. In all cases, actions and directions shall always be in the best interest of the public safety.

Chief of Police

PROPOSED
City of Lodi

DEPARTMENT OF POLICE

Application for Funeral Escort Permit:

Completed applications for permits will be accepted from 8:00 a.m. to 5:00 p.m., Monday through Friday, in Room _____, City Hall, _____, Lodi, California.

The application process will begin once the following is received:

- I. New applications:
 - A. Completed applications (valid for 2 years).
 - B. \$20.00 for applications fee - Non-Refundable (Includes shoulder approved insignias, if any).
 - C. Three full-face color photographs approximately 2" X 2" (including top of hair; no hats, sunglasses, etc.).
 - D. "Indemnity and Hold Harmless" statement.
 - E. Proof of Insurance Coverage (\$500,000)
 - F. Proof of satisfactory completion of an approved traffic safety course, if any.
 - G. Copy of current (within last 30 days) DMV driver record readout.

- 11. Renewal applications:
 - A. Completed applications must be submitted between September 1st and September 30 (valid for 2 years).
 - B. \$12.00 for renewal application fee-Non-Refundable. (Includes one shoulder insignias, if any).
 - C. Three full-face color photographs approximately 2" X 2" (including top of hair; no hats, sunglasses, etc.).
 - D. "Indemnity and "Hold Harmless" statement.
 - E. Proof of insurance
 - F. Proof satisfactory completion of an approved traffic safety course.
 - G. Copy of current (within last 30 days) DMV driver record readout.

The investigation for clearance may take several weeks or longer to complete. You can not operate as a funeral escort in the City without a valid permit.

Continue Application for Funeral Escort Permit

Once issued, a permit may be revoked for cause. It is your responsibility to know and obey the city code requirements. All permits expire two years from the date of issuance. Failure to apply for renewal will cause you to be treated as a new applicant.

Your police chief approved official insignias must be worn on each shoulder of the outermost garment. Additional insignias are available from this office at our cost (if any), currently \$_____ each.

NOTE: A CITY-ISSUED BUSINESS OPERATIONS TAX CERTIFICATE DOES NOT ENTITLE YOU TO OPERATE A FUNERAL ESCORT BUSINESS UNLESS AND UNTIL YOU HAVE FIRST OBTAINED THE REQUIRED REGULATORY PERMIT. THE PERMIT DOES NOT AUTHORIZE ANY PERSON TO CONDUCT ANY UNLAWFUL BUSINESS OR TO CONDUCT ANY LAWFUL BUSINESS IN AN UNLAWFUL MANNER.

Any questions regarding your application or the process should be directed to the City Revenue Division.

PROPOSED
CITY OF LODI APPLICATION

DEPARTMENT OF POLICE

ATTENTION: IF NECESSARY, USE A SEPARATE SHEET OF PAPER TO FULLY ANSWER THE FOLLOWING QUESTIONS. THE PERMIT MAY BE DENIED, SUSPENDED, OR REVOKED IF YOU MAKE A FALSE STATEMENT IN THIS APPLICATION, OR FOR THOSE REASONS SPECIFIED IN THE CITY CODE SECTIONS. APPLICATION FEES ARE NON-REFUNDABLE.

1. Print
Name _____
Last First Middle

2. Residence Address

3. Age ____ DOB ____ City ____ State ____

4. Height ____ Weight ____ Eye color ____

5. CDL No. ____ Expires ____ Class ____

6. Funeral Escort Company where you will be employed:

Name ____ Owner's Name ____

Address City State Zip

7. Type of vehicle to be used in employment _____

If you answer "Yes" to any of questions 7 through 10, for each incident, give the date of occurrence, the reason or offense charged, and the outcome or offense for which you were convicted.

8. Has your driver's license ever been revoked or suspended? _____

9. Have you ever been cited for an accident while operating a motor vehicle? _____

10. Do you have any mental **or** physical incapacity or infirmity of which you are aware which would in any way interfere with your duties or responsibilities as a Funeral Escort Permittee? _____

11. Have you been convicted (including convictions by verdict, plea of guilty **or** plea of nolo contendere)

in the last five years of any crime listed? _____

12. Attach 2 color photographs, full face, approximately 2"x2" (including top of hair; no hats, sunglasses, etc.)
13. Attach "Indemnity and Hold Harmless" statement signed by employer (or person who holds insurance policy required by section _____)
14. Attach proof of insurance for you or your employer which complies with section _____ of the city code.
15. Attach proof of satisfactory completion of an approved traffic safety course.
16. Attach copy or current (within last 30 days) DMV driver record readout.

I understand that verification of the accuracy of the above information will be conducted. I further understand and agree that the information is a matter of public record and may be made available to interested parties upon request. I hereby certify under penalty of perjury that the above information on this form and/or any attachment is true and correct.

Signature _____

Date _____

Continue Application for Funeral Escort Permit

<u>STATE CODE SECTION</u>	<u>DESCRIPTIONS</u>
Penal Code Section 459	Burglary,
459	Receiving stolen property,
Vehicle Code Section 23152	Driving under the influence of
or 23153	alcohol or drugs
or 23103	Reckless driving
or 23104	
23103.5	Reckless driving- reduced D.U.I.

DEPARTMENT OF POLICE

* to be signed by the party who holds the insurance policy
required by Section _____ of the
Code.

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PROPOSED

FUNERAL ESCORT ORDINANCE

(chapter — traffic & vehicle code of
Lodi, CA, 1 through 8)

PROPOSED
City of Lodi Ordinances Amendments

Section 10.12 ENFORCEMENT

Add to included FUNERAL ESCORT PERMITTEE.

C. All funeral escort permittee of a private company or subcontracted to the city, as directed (prior code section 13.9).

**Section _____ .030 TRAFFIC REGULATION FOR
NONPOLICE PERSONNEL**

Add to include FUNERAL PROCESSION

A. The police chief, subject to the approval of the city manager and the provisions and requirements of the Vehicle Code of the state, shall, and he or she is empowered to, appoint persons on a temporary or permanent basis to regulate traffic within the city whenever traffic control devices are disabled or otherwise inoperable, at the scenes of accidents or disasters, or at such locations as may require traffic direction for orderly and continuous traffic flow of a funeral procession.

Section _____ .040 DRIVING REGULATIONS

Add to include enforcement

A person shall not drive a vehicle or animal, or do any act,

B. Between vehicles comprising a conspicuously marked funeral procession while they are in motion, if so, they are in violation of California Penal Code 594.35 section (d), unlawfully interfering with a funeral procession.

Local authorities may adopt rules and regulations by ordinance or resolution to regulate traffic at such locations that may require traffic directions for orderly traffic flow. It is the purpose of this amendment to use the power, conferred on the City of Lodi, pursuant to California Vehicle Code section 21100(e), to appoint person other than traffic officers to direct and regulate traffic for a funeral procession.

Section _____ . DEFINITIONS:

For purposes of this Chapter, the following definitions shall apply:

- A. "Funeral Escort" shall mean a uniformed person employed by a mortuary or company to direct the movement of a group **of** vehicles engaged in a funeral procession.
- B. "Funeral procession" shall mean a group of two or more vehicles traveling in line from a funeral service whether that funeral service is held at a place of worship or another location, to a transportation facility, cemetery, or crematory

Section _____. PERMIT REQUIRED FOR PRIVATE FUNERAL ESCORTS:

Motor vehicle funeral processions may be led or escorted by private escorts within the City of Lodi in accordance with the requirements of this Chapter. No person shall stop, obstruct, or otherwise direct traffic in intersections while leading or escorting a motor vehicle funeral procession without first obtaining a valid funeral escort permit pursuant to this Chapter.

Section _____. PERMIT APPLICATION PROCEDURES;

- A. Applications for a funeral escort permit shall be filed with the chief of Police on forms provided by the Chief of Police and shall contain or be accompanied by the following:
1. Name and address of applicant and the applicant's funeral escort service employer if the applicant is employed by such service;
 2. Proof of liability insurance in compliance with this Chapter;
 3. Proof of Satisfactory completion of a traffic safety program of instruction, as described in Section _____.030;
 4. Proof that the applicant holds a valid California Driver's License that is properly endorsed for the type of vehicle the applicant intends to use while directing vehicular funeral processions;
 5. Payment of permit, insignia (if any), and inspection fees, as established by the City of Lodi Schedule of Fees adopted by the Lodi City council;
 6. Proof that the vehicle to be used in the course of conduction escorts has been inspected by the Chief of Police to ensure that it meets the equipment and safety requirements set forth by the Chief of Police;
 7. An Indemnification and hold harmless agreement as set forth above of this Chapter signed by the applicant and the applicant's funeral escort service employer;
 8. A copy of the current City of Lodi Business License issued to the funeral escort service employer.
- B. If all the requirements for approval of a funeral escort permit are met, then the Chief of Police shall issue a permit.
- C. The funeral escort permit shall be valid for a period of two (2) years from the date of issuance and such permits shall not be transferable.

Section _____. APPLICATION FEE:
Before the Chief of Police shall accept and process an application for a Private Funeral Escort Permit, the applicant

shall pay an application fee of \$20.00 to the City of _____ Administrative Services Division as fixed or established from time to time by the Lodi City Council.

- D. Failure to meet any of the requirements of this Chapter;
- E. The applicant's unlawful or negligent operation of a motor vehicle during the two prior years to date of application;
- F. The applicant's unlawful or negligent direction of traffic while escorting a vehicular funeral procession or other motor vehicle procession.
- G. Failure to maintain a current City of Lodi Business License.

Section _____. NOTICE OF DECISION TO DENY, SUSPEND, OR REVOKE PERMIT.

Upon determining the existence of any of the grounds for denial, suspension, or revocation in accordance with Section _____ of this Chapter the chief of Police shall issue a Notice of Decision to deny, suspend, or revoke the permit. The Notice of Decision shall state the grounds and reasons upon which the denial, suspension, or revocation is based. The Notice of Decision shall be mailed to the applicant or permittee at the address stated on the application **or** permit. Alternatively, the Notice of Decision may be hand-delivered to the applicant or permittee **or** to the address given in the application or permit.

The Notice of Decision shall advise that the denial, suspension, or revocation shall become final unless the applicant or permittee files a written request for hearing before the Chief of Police within the time period specified in Section _____ of this Chapter.

Section _____. PROCEDURE FOR HEARING BEFORE THE CHIEF OF POLICE

The written request for a hearing before the Chief of Police must be received by the Chief of Police, or his authorized designee, within ten (1) days of the date of mailing the Notice of Decision to deny, suspend, or revoke the permit. The Chief of Police, or his authorized designee, shall schedule a hearing, which shall be held no later than thirty (30) days after receipt of a timely request for hearing. The Notice of Hearing shall be mailed to the applicant or permittee not later than ten (10) days prior to the scheduled date of the hearing. At the hearing before the Chief of Police, the applicant or permittee shall be given the opportunity to present witnesses and documentary evidence and to cross-examine witnesses. The hearing will be conducted informally, and the technical rules of evidence shall not apply. Any and all other evidence, which the Chief of Police deems reliable, relevant, and not unduly repetitious, may be

considered. The applicant or permittee may be represented by another person.

The issuance of a written Notice of Cancellation by an insurance company shall be conclusive proof at the hearing of the effective cancellation of an insurance policy.

Section _____. DECISION OF THE CHIEF OF POLICE AFTER HEARING.

Within twenty (20) days after the hearing, the Chief of Police, or his authorized designee, shall mail a written decision sustaining, reversing, or modifying his or her initial decision to the applicant or permittee at the address stated in the application or permit. The decision of the Chief of Police after the hearing shall be final.

Section _____. NON-TRANSFERABILITY OF PERMITS:

Funeral escort permits shall be issued by the Chief of Police, or his authorized designee, in the names of individual person actually conducting such escorts and shall expire two (2) years from the date of issuance. Permits shall not be transferable or assignable.

Section _____ customers. We obey all traffic laws, including speed laws, except that we are allowed or authorized to stop cross-traffic, to enable all vehicles in the procession to proceed together as an unbroken chain, at intersections controlled by:

1. Stop signs, the Escort Officers remains in the intersection (some will continue to enter intersection once the officer leaves the intersection, with stickers, lights and flashing lights on) until all procession vehicles have cleared the intersection; and

2. Signal lights, providing that the lead vehicle in the procession enters the intersection with a green light and the Escort Officer remains in the intersection at all times when the light is not green (some will continue to enter intersection once the officer leaves the intersection, with stickers, lights and flashing lights on).

B. Our Escort Officer's, directs traffic in the manner specified by your Department, while wearing our official uniform (white shirts and black pants, with yellow and black stripe on pants and shirts) and insignia, and carrying a valid California Drivers License (Class C Non-Commercial & M1 Motorcycle endorsement and/or Class 4).

Our Escort Officers have completed our application process (i.e. provide information concerning all driver license suspension, citations for operating a motor vehicle, mental or physical incapacity or infirmity of which he/she is aware which would in any way interfere with their duties or responsibilities as Escort Officer), convictions (including convictions by verdict, plea of guilty or plea of nolo